

**FILED**

**MAY 05 2016**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

KERMIT POULSON,

Petitioner,

vs.

BOARD OF PARDONS AND  
PAROLE, et. al.,

Respondents.

CV 16-13-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this matter on March 29, 2016, recommending denial and dismissal of Petitioner Kermit Poulson's ("Poulson") petition for writ of habeas corpus under 28 U.S.C. § 2254. Poulson failed to timely object to the Findings and Recommendations, and so waived his right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Johnston's conclusion that: (1) Claims 1 through 5 should be dismissed for lack of jurisdiction; (2) Claim 6 lacks merit; and (3) Poulson's supplemental (Doc. 5) should be dismissed for failure to exhaust his state judicial remedies.

Accordingly, IT IS ORDERED that:

(1) Judge Johnston's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL.

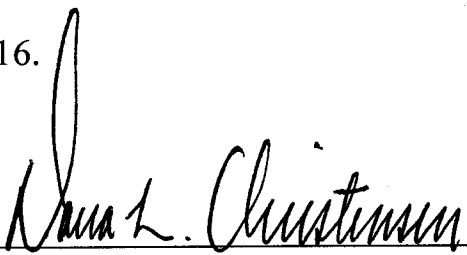
(2) Poulson's petition (Doc. 1) is DENIED and DISMISSED. This Court lacks jurisdiction over Claims 1-5. Claim 6 lacks merit.

(3) Poulson's supplement to his petition (Doc. 5) is DISMISSED for failure to exhaust state judicial remedies.

(4) The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.

(5) A certificate of appealability is DENIED.

Dated this 5<sup>th</sup> day of May, 2016.

  
Dana L. Christensen, Chief Judge  
United States District Court